

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KATHY A. WORTHINGTON

Appeal No. 1998-3394
Application 08/405,964¹

ON BRIEF

Before JERRY SMITH, BARRETT, and GROSS, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1-15. The amendment (Paper

¹ Application for patent filed March 17, 1995, entitled "System And Method For Personalized And Customized Time Management."

Appeal No. 1998-3394
Application 08/405,964

No. 7) filed September 15, 1997, and the amendment (Paper No. 10) filed October 20, 1997, have not been entered.

We reverse.

BACKGROUND

The disclosed invention relates to a system and method for organizing and planning events, tasks, and long-term goals in an easily understandable and efficient manner. In particular, a data module directed to a particular data topic (e.g., birthdays, vacations, child care, etc.) includes a questionnaire-style system for collecting data that is designed to elicit as much information as possible within that module's topic.

Claim 1 is reproduced below.

1. A method for organizing and planning events, tasks and long-term goals, comprising the steps of:

providing at least one data module for generating data for a specific topic area;

prompting a user in a questionnaire-style format to provide data based on said specific topic area of at least one data module;

categorizing said data inputted by the user into appointment data and task data;

inputting said appointment data into a calendar framework;

Appeal No. 1998-3394
Application 08/405,964

inputting said task data into a task list framework;
and

generating an output calendar and task list based on
said calendar and task list frameworks.

The Examiner relies on the following prior art
references:

Michael A. Cox and William Cummings, Personal information
managers: useful tools for accountants, Journal of
Accountancy, Vol. 170, No. 4, pp. 125-127, October 1990,
DIALOG printout, File 148 (hereinafter "Cox").

USA: BORLAND SHIPS SIDEKICK FOR WINDOWS, Businesswire,
June 21, 1994, DIALOG printout, File 772 (hereinafter
"Sidekick").

Claim 1-15 stands rejected under 35 U.S.C. § 103(a) as
being unpatentable over Cox and Sidekick.

We refer to the final rejection (Paper No. 5) (pages
referred to as "FR__") and the examiner's answer (Paper
No. 14) (pages referred to as "EA__") for a complete statement
of the Examiner's position, and to the brief (Paper No. 13)
(pages referred to as "Br__") for a statement of Appellant's
arguments thereagainst.

OPINION

The issue is whether the combination of Cox and Sidekick would have suggested to one of ordinary skill in the art the limitation in independent claims 1, 4, 7 and 10 of "prompting a user in a questionnaire-style format to provide data."

The Examiner's position is as follows (FR5; see also EA5):

Neither Cox nor Sidekick teach of using a questionnaire-style format for user input. However, as indicated above, Sidekick teaches that all functions can be accessed via icons, point-and-click options, drag-and-drop and simple pop-up and pull-down menus (See Sidekick; page 2, lines 29-32). The examiner previously asserted that the aforementioned items serve to prompt a user to provide data based on a specific category or topic area. In addition, they allow the user to categorize data as appointment data or task data (See Sidekick; page 2, lines 44-47). The examiner further asserts that prompting the user with questions for input data is well known in the art. The motivation to modify the teachings of Cox and Sidekick to use a questionnaire-style format is to simplify user input to discrete questions and reduce the complexity of the programming required for the input data module.

1.

We first look at the Examiner's conclusion that Sidekick's disclosure of "intuitive icons, point-and-click options, drag-and-drop and simple pop-up and pull-down menus"

Appeal No. 1998-3394
Application 08/405,964

(Sidekick, p. 2, lines 30-31) serve to prompt a user to provide data based on a specific category or topic area.

Appellant argues that prompts in a questionnaire-style format for specific topic areas perform significant organizational and planning functions not served by simply providing the user with the option to select from icons, point-and-click options, drag-and-drop, and simple pop-up and pull-down menus of the existing art (Br10). With the existing art, as evidenced by Sidekick, organization and planning must be done by the user, which requires a mental step that some people are not capable of performing (Br10). It is argued that there is no support for the Examiner's assertion that icons, point-and-click options, drag-and-drop, and simple pop-up and pull-down menus serve as prompts to provide data (Br12).

A "menu" is defined as: "(1) A list of options displayed to the user by a data processing system, from which the user can select an action to be initiated." IBM Dictionary of Computing (10th ed., McGraw-Hill, Inc. 1993). A "prompt" is defined as: "(1) A visual or audible message sent by a program to request the user's response. . . . (3) A

displayed symbol or message that requests input from the user or gives operational information generally considered a software message that requests action by the user The user must respond to the prompt in order to proceed." Id. A "prompt" is also broadly a "cue" or "reminder." Webster's New Collegiate Dictionary (G. & C. Merriam Co. 1977). While a menu option might broadly be considered a "prompt" in the sense that it can serve as a reminder of an action the user could choose, there is simply no way to tell what the menu options are in Sidekick to determine whether they prompt a user to provide data as stated by the Examiner. It is improper to resort to speculation or unfounded assumptions to supply deficiencies in the factual basis for a rejection). See In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967). As a matter of claim interpretation, the limitation of "prompting a user . . . to provide data" appears to require only one prompt for data, but even this is not taught or suggested by Sidekick.

2.

Next, we address the Examiner's conclusion that one of ordinary skill in the art would have been motivated to modify

Appeal No. 1998-3394
Application 08/405,964

the teachings of Cox and Sidekick to use a questionnaire-style format to simplify user input to discrete questions and reduce the complexity of the programming required for the input data module. Although the Examiner finds that "prompting the user with questions for input data is [sic, was] well known in the art" (FR5; EA5), the obviousness conclusion does not rely on this finding. In any case, the Examiner provides no factual evidence to support the finding and the finding is not of the kind which is appropriate for Official Notice. Cf.

In re Knapp-Monarch Co., 296 F.2d 230, 232, 132 USPQ 6, 8

(CCPA 1961) (judicial notice only appropriate when the proposition at issue is supported by common knowledge or capable of instant and unquestionable demonstration);

In re Eynde, 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973) (court will not take judicial notice of the state of the art); In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) ("[a]ssertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art").

Appellant argues that there is no basis for the Examiner's assertion regarding motivation to modify Cox and Sidekick to use a questionnaire-style format to simplify user input to discrete questions and reduce the complexity of the programming required for the input data module (Br12). It is argued that providing prompts in a questionnaire-style format does not reduce the complexity of programming over the simple stock input devices of the prior art (Br12). It is argued that with the prior art, organization and planning, which are not intuitive functions, must be performed by the user outside the system using, for example, a mental step (Br12-13).

While it may be true that providing a questionnaire-style format for user data input will simplify data entry by the user because it does not require the user to think of all the information that needs to be recorded, this is one reason for Appellant's invention and the Examiner errs in relying on this reasoning for motivation. The Examiner's conclusion that adding additional interface features using the questionnaire-style format will reduce the complexity of the programming required for the input data module is not understood because, as a rule, adding features always increases the complexity of

Appeal No. 1998-3394
Application 08/405,964

the programming. Moreover, we fail to see how a general goal, such as decreasing programming complexity, suggests the specific limitation of prompting a user in a questionnaire-style format.

For the reasons discussed above, the Examiner has failed to establish a prima facie case of obviousness as to the limitation in independent claims 1, 4, 7 and 10 of "prompting a user in a questionnaire-style format to provide data." The rejection of claims 1-15 is reversed.

3.

In case the Examiner had not considered it, we point out that a fill-in-the-blanks-type template or dialog box, such as the Task Dialog Box shown in the non-prior art reference PTO Calendar/Planner User's Guide -- Version 1.0, Publication #97007, Office of the CIO, USPTO (August 1997), p. 10 (copy attached), prompts the user in a questionnaire-style format to provide data. This is consistent with Appellant's disclosure that inputting of answers in the questionnaire-style format may be fill-in-the-blank-style data inputs or multiple-choice data inputs depending on which would be the most appropriate (specification, p. 12).

Appeal No. 1998-3394
Application 08/405,964

CONCLUSION

The rejection of claims 1-15 is reversed.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

Appeal No. 1998-3394
Application 08/405,964

ANTONELLI, TERRY, STOUT & KRAUS
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209